In the High Court of Punjab and Haryana at Chandigarh

CWP No.18652 of 2007
Date of decision:December 11, 2007

Atul Nibber and others

---Petitioners

Vs.

State of Haryana and others

---Respondents

Coram: **HON'BLE MR. JUSTICE M.M.KUMAR**
HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Mohan Jain, Senior Advocate with
Mr. Dinesh K. Thakur, Advocate,
for the petitioners

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M.M.KUMAR, J.

This petition filed under Article 226 of the Constitution prays for issuance of direction to the respondent authorities to implement ex-distillery price fixed in accordance with the provisions of Section 57 A of the Punjab Excise Act, 1914 (as applicable to Haryana) (for brevity 'the Act')as per instructions dated 19.4.2007 (P-2), 2.5.2007 (P-3), 23.11.2007 (P-10) and 7.12.2007(P-11). Consequential prayer for refund of the excess price charged has also been made. It is admitted position that before approaching this Court, the petitioners through their counsel have sent a legal notice on 28.11.2007 (P-9) to respondents No. 2 to 6. However, the legal notice has not been sent to respondent No. 1 who is the competent authority to determine the price under Section 57 A of the Act.

Notice of motion,

Ms. Ritu Bahri, DAG, Haryana, who is present in the Court, accepts notice, on the asking of the Court. A copy of the writ petition has been handed over to her. With the consent of the parties, the case has been

taken up for final hearing.

Learned counsel for the petitioners states that a copy of the legal notice which has been sent to respondents No. 2 to 6 shall also be sent to respondent No. 1 within one week by registered A.D. If that is done, then respondent No. 1 and other respondents who have already been given the legal notice, shall take up the issue and decide the same in accordance with law within a period of six weeks from the date of receipt of a copy of this order. It is expected that the respondents would pass a well reasoned and speaking order.

The petition stands disposed of in the above terms.

(M.M.KUMAR)
JUDGE

(RAKESH KUMAR JAIN)
JUDGE

DECEMBER 11, 2007
paramjit